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RemarksSpecification:

The specification has been amended to replace the word "matrix" with --metric--. As is evident, equations 2-7 define a cell performance metric and not a matrix.

Claims:

Independent claims 1, 13, 17, and 23 have been amended to specifically include the limitations that both a cell performance metric and a cluster performance metric are obtained, with the pilot power of the cell being decreased when the cell performance metric is less than the cluster performance metric. Analysis of the art cited Examiner Stevens reveals that the prior art fails to teach or otherwise suggest these limitations. As Examiner Stevens has stated, "Rezaiifar does not teach decreasing the pilot power of the cell when the cell performance [metric] is less than the cluster performance [metric]." In order to fill this void, Examiner Stevens uses Valkealahti, stating that Valkealahti teaches adjusting the pilot power corresponding to cell performance. However, this is not what the Applicants are claiming as their invention. The Applicants wish to point out that they are specifically claiming decreasing the pilot power of the cell when the cell performance metric is less than the cluster performance metric.

Because both Rezaiifar and Valkealahti both fail to teach or otherwise suggest the steps of computing a cell performance metric, computing a cluster performance metric, and decreasing the pilot power when the cell performance metric is less than the cluster performance metric, claims 1, 13, 17, and 23 are in proper condition for allowance

Regarding all other claims, since these claims depend from allowable base claims, all other claims are in proper condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. As the Applicant has overcome all substantive rejections given by the Examiner the Applicant contends that this Amendment, with the above discussion,

overcomes the Examiner's rejections to the pending claims. Therefore, the Applicant respectfully requests allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Finally, please charge any fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117.

Respectfully Submitted,
Calcev, ET AL.

by: 

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